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TAIWAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USA@JCIPGROUP.COM.TW
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 20-25* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-17 and 20-25* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Response to Amendment

1.   This action is in response to the amendment filed on 04/03/2009.

2.   Claims cancelled by the applicants: 18 and 19

3.   Claims amended by the applicants: 1-11, 15-17, and 22.

4.   Claims 1-17 and 20-25 are pending.

Response to Arguments

5.   Applicant's arguments filed 04/03/2009 have been fully considered but they are not

persuasive.

In response to applicant's arguments that Vincent fails to disclose the distinguishable

feature "the selected user terminal has a first-client server structure and a second client-server

structure", as recited in claim 1 of the present application. It is thus submitted the *prima facie*

case of obviousness has not yet been established. Moreover, it is believed that neither Zhang nor

Harrow remedies the deficiency of Vincent as compared with claim 1. Withdrawal of the

rejection of claim 1 and its dependent claims 2-8 is respectfully requested.

Examiner respectfully disagrees. Vincent discloses a first-client server and a second

client-server to communicate the process of upgrading software into client/selected computer

(paragraph [0040]-[0042]). Vincent discloses that a file transfer protocol (FTP) is used to transfer

files as second client-server (paragraph [0045]) as further claimed in claim 1. As acknowledged

by the office action that Vincent does not disclose first-client server communicates with system

server using interversion protocol. As disclosed in the applicant's specification that inverversion

protocol includes a format for analyzing a received message, for example, an inquiry in network

communication. However, Zhang discloses an inter-server protocol that is used to allow the

servers to communicate with one another. The formats contains a header includes a Message

Length that indicates the length of the entire message. This field is used to verify if a complete

message is read in an actual call. A Version Number indicates the application message version.

A Message Category indicates which of the different types of messages that may be carried

between processors, such as OAM, session activation or deactivation messages, etc. A Message

Type includes a message type definition file. A Message ID is used to correlate request and

response within an application. This field is also used as a sequence number. A payload which

follows the header, contains data specific to the message type, see (col. 4, lines 28-45). Further,

the rejection points out that the motivation to "first-client server communicate with system server

using interversion protocol" would be to reduce the downtime during the update procedure.

Thus, the *prima facie* case of obviousness has been established. Moreover, it is believed that

either Zhang or Harrow remedies the deficiency of Vincent as compared with claim 1.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this
title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a
whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said
subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-5, 7-11, 13-17, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Publication No. 2004/0015953 to Vincent (hereinafter, Vincent) in view of US Patent

No. 7,228,539 to Zhang et al. (hereinafter, Zhang).

Per claim 1:

Vincent discloses:

1. A method of software upgrade control for a system server and a sub-network including a

plurality of user terminals, the method comprising the steps of:

(a) providing said system server with a plurality of updated software versions (FIG. 6, elements

160-162, and 164 and paragraph [0055] "server computers 160, 162 and 164 are used to provide

updated software components");

(b) selecting one of said plurality of user terminals *to obtain a selected user terminal and*

plurality of unselected user terminals (FIG. 6, element user computer 110) said selected user

terminal having a first client-server structure (paragraph [0042] "...a number of computers...

communication with network..." FIG. 2, element user computer 110 and 114a-114c) and a

second client-server structure (FIG. 6, elements 160, 162, 164),

said second client-server structure and said system server communicate with each other in a file

transfer protocol (paragraph [0045] "a file from a File Transfer Protocol ("FTP") server, a shared file

on another user's computer, a file from another process running on the same computer"),

(c) requesting from said system server a list of said updated software versions (paragraph [0061]

"User computer... receives data file... opens the data file and accesses the required component list

included... comparing the component information and the version information with information

identifying the software components and versions thereof currently installed at user computer") that are

absent in said selected user terminals by said first client-server structure (paragraph [0014] "The

computer requests the software components not already installed on the computer from the identified

network location or locations");

(d) determining from the list which of said plurality of unselected user terminals (paragraph

[0051] "The components that need to be updated may be located at one computer, typically a server, on

the computer network, or they may be located at various and different computers (i.e., computers are not

selected)" and paragraph [0063] "Once user computer 110 determines (i.e., from the component list)

which software components and versions thereof are to be obtained") in step (b) include any of said

absent updated software versions (paragraph [0063] "Once user computer 110 determines which

software components and versions thereof are to be obtained (i.e., absent updated software versions), the

user computer performs acts to determine network locations from which it can download the required

software components");

(e) receiving from of said plurality of unselected user terminals said

absent updated software versions determined in step (d) to have been included in said plurality of

unselected user terminals by said second client-server structure (paragraph [0064] "User computer

110 examines the update table received from software server 160 and... extracts the locations of the

needed components, which include components D and E (i.e., the required components not yet installed at

user computer 110) and component B (i.e., the component having a required version not yet installed at

user computer 110)");

(f) receiving from said system server those of said absent updated software versions determined

(paragraph [0064] "The user computer 110 then requests the required versions (i.e., absent) of software

components B and E from software server 160 and the required version (i.e., absent) of software

component D from the computer 164") in step (d) to have not been included in said unselected ones

of said plurality of user terminals (paragraph [0051] "The components that need to be updated may be located at one computer, typically a server, on the computer network, or they may be located at various and different computers (i.e., computers are not selected)"); and

(g) upgrading said selected user terminal with said received absent updated software versions (paragraph [0065] "The user computer 110 installs and configures the required software components when the required software components are received").

Vincent does not explicitly disclose wherein said first client-server structure and said system server communicate with each other in an *interversion protocol*.

However, Zhang discloses in a computer system wherein said first client-server structure and said system server communicate with each other in an *interversion protocol* (col. 5, lines 1-3 "the conversion rules relate to differences in the format of the messages, or the inter-server communication protocol, provided for in each version of the software").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein said first client-server structure and said system server communicate with each other in an *interversion protocol* as taught by Zhang. The modification would be obvious because of one of ordinary skill in the art would be motivated to have said first client-server structure and said system server communicate with each other in an *interversion protocol* to provide to reduce the downtime during the update procedure as suggested by Zhang (col. 2, lines 28-37).

Per claim 2:

The rejection of claim 1 is incorporated and further, Vincent discloses:

2. The method of claim 1 further comprising the step of broadcasting an inquiry in said sub-network (paragraph [0063] "the network location of the update table may be found in other ways, such as through broadcasting or advertising across computer network (i.e., sub-network)") in determining whether said plurality of unselected user terminals include any of said absent updated software versions (paragraph [0063] "Once user computer 110 determines which software components and versions thereof are to be obtained").

Per claim 3:

The rejection of claim 1 is incorporated and further, Vincent discloses:

3. The method of claim 1 further comprising the step of registering at said system server after requesting from said system server a list of said plurality of updated software versions that are absent in said selected user terminal (paragraph [0064] "The user computer 110 then requests the required versions (i.e., absent) of software components B and E from software server 160 and the required version (i.e., absent) of software component D from the computer 164").

Although, Vincent discloses updating software on a user computer from network locations or network computers. Vincent is silent on registering updated software. However, the feature of registering the updated software deemed to be inherent to Vincent system. Since Vincent discloses downloading the requested software updates by the user computer from network locations (paragraph [0063]). Vincent's system would be in inoperative if the system does not register the updated software.

Per claim 4:

The rejection of claim 1 is incorporated and further, Vincent discloses:

4. The method of claim 1 further comprising the step of providing an agent in said selected user terminal in requesting said list of said absent updated software versions (paragraph [0014] "The computer requests the software components not already installed on the computer from the identified network location or locations") Note that an agent which requests the absent software is inherent to Vincent, since Vincent's system getting the component not installed on user computer form the network locations.

Per claim 5:

The rejection of claim 7 is incorporated and further, Vincent discloses:

5. The method of claim 1 further comprising the steps of: receiving an inquiry broadcast from said plurality of unselected user terminals by said first client-server structure (paragraph [0063] "the network location of the update table may be found in other ways, such as through broadcasting or advertising across computer network (Note that the inquiry is made to unselected terminal to determine the available components see paragraph [0051]"); and transmitting one of said updated software versions in response to said inquiry broadcast (paragraph [0064] "...components A, B, C and E are available from software server 160... component D is available from another computer associated with computer network 116, namely, computer 164. User computer 110 examines the update table received from software server 160 and extracts the locations of the needed components").

Per claim 7:

The rejection of claim 1 is incorporated and further, Vincent discloses:

7. The method of claim 1 further comprising the steps of: providing a client in said first client-server structure for requesting said list of said absent updated software versions (paragraph [0061] "User computer… receives data file… opens the data file and accesses the required component list included… comparing the component information and the version information with information identifying the software components and versions thereof currently installed at user computer").

Per claim 8:

The rejection of claim 1 is incorporated and further, Vincent discloses:

8. The method of claim 1 further comprising the steps of: providing said first client-server structure (FIG. 6, element user computer 110) with a first server for receiving an inquiry broadcast by said plurality of unselected user terminals (paragraph [0063] "the network location of the update table may be found in other ways, such as through broadcasting or advertising across computer network"); and providing said second client-server structure (FIG. 6, elements 160, 162, 164) with a second server for transmitting one of said plurality of updated software versions to one of said unselected user terminals in response to said inquiry broadcast (paragraph [0064] "The user computer 110 then requests the required versions (i.e., absent) of software components B and E from software server 160 and the required version (i.e., absent) of software component D from the computer 164" i.e., the required versions are transmitted to user terminals).

Per claim 9:

The rejection of claim 1 is incorporated and further, Vincent discloses:

9. The method of claim 1 further comprising the steps of: providing said first client-server

structure (FIG. 6, element user computer 110) with a first client for requesting one of said absent

updated software versions from said plurality of unselected user terminals (paragraph [0063]

"Once user computer 110 determines which software components and versions thereof are to be obtained

(i.e., absent updated software versions)... download the required software components"); and providing

said second client-server structure (FIG. 6, elements 160, 162, 164) with a second client for

requesting one of said absent updated software versions from said system server (paragraph

[0064] "The user computer 110 then requests the required versions (i.e., absent) of software components

B and E from software server 160 and the required version (i.e., absent) of software component D from

the computer 164").

Per claim 10:

Vincent discloses:

10. A software upgrade control system comprising:

a system server (FIG. 6, element 160, 162, 164);

a plurality of updated software versions provided at said system server (FIG. 6, elements 160-

162, and 164 and paragraph [0055] "server computers 160, 162 and 164 are used to provide updated

software components");

a sub-network (FIG. 2) including a first user terminal (FIG. 2, element 110) and a second user

terminal (FIG.2, element 114), each of the first user terminal and the second user terminal

including a first client-server structure and a second client-server structure (FIG. 3, element 110a

and 110b);

said second client-server structure and said system server communicate with each other in a file

transfer protocol (paragraph [0045] "a file from a File Transfer Protocol ("FTP") server, a shared file

on another user's computer, a file from another process running on the same computer");

a client provided in said first client-server structure of said first user terminal for

requesting from said system server a list of said updated software versions that are absent in said

first user terminal (paragraph [0061] "User computer… receives data file… opens the data file and

accesses the required component list included… comparing the component information and the version

information with information identifying the software components and versions thereof currently installed

at user computer") and also for broadcasting an inquiry to the second user terminal (paragraph

[0063] "the network location of the update table may be found in other ways, such as through

broadcasting or advertising across computer network") to determine whether the second user terminal

has at least one of said updated software versions that are absent in said first user terminal

(paragraph [0064] "The user computer 110 then requests the required versions (i.e., absent) of software

components B and E from software server 160 and the required version (i.e., absent) of software

component D from the computer 164" i.e., the required versions are transmitted to user terminals);

a first server provided in said first client-server structure of said second user terminal for

receiving the inquiry broadcast by the first user terminal (paragraph [0063] "Once user computer

110 determines which software components and versions thereof are to be obtained (i.e., absent updated

software versions)… download the required software components");

a second server provided in said second client-server structure of said second user terminal for

transmitting one of said updated software versions to said first user terminal in response to said

inquiry broadcast (paragraph [0064] "The user computer 110 then requests the required versions (i.e.,

absent) of software components B and E from software server 160 and the required version (i.e., absent)

of software component D from the computer 164" i.e., the required versions are transmitted to user

terminals);

a first client provided in said second client-server structure of said first user terminal for

receiving one of said absent updated software versions from said second user terminal

(paragraph [0064] "The user computer 110 then requests the required versions (i.e., absent) of software

components B and E from software server 160 and the required version (i.e., absent) of software

component D from the computer 164"); and

a second client provided in said second client-server structure of said first user terminal for

receiving one of said absent updated software versions from said system server (paragraph

[0064] "The user computer 110 then requests the required versions (i.e., absent) of software components

B and E from software server 160 and the required version (i.e., absent) of software component D from

the computer 164").

Vincent does not explicitly disclose wherein said first client-server structure and said system

server communicate with each other in an *interversion protocol.*

However, Zhang discloses in a computer system wherein said first client-server structure

and said system server communicate with each other in an *interversion protocol* (col. 5, lines 1-3

"the conversion rules relate to differences in the format of the messages, or the inter-server

communication protocol, provided for in each version of the software").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of wherein said first client-server structure and

said system server communicate with each other in an *interversion protocol* as taught by Zhang.

The modification would be obvious because of one of ordinary skill in the art would be

motivated to have said first client-server structure and said system server communicate with each

other in an *interversion protocol* to provide to reduce the downtime during the update procedure

as suggested by Zhang (col. 2, lines 28-37).

Per claim 11:

11. The system of claim 10 further comprising an agent provided in said selected user terminal in

requesting said list of said absent updated software versions. The limitations in the claims are

similar to those in claim 4, and rejected under the same rational set forth in connection with the

rejection of claim 4.

Per claim 13:

The rejection of claim 10 is incorporated and further, Vincent discloses:

13. The system of claim 10 wherein said system server supports the file transfer protocol

(paragraph [0045] "a file from a File Transfer Protocol ("FTP") server, a shared file on another user's

computer, a file from another process running on the same computer").

Per claim 14:

The rejection of claim 10 is incorporated and further, Vincent discloses:

14. The system of claim 10 wherein said system server supports the file transfer assistant

protocol (paragraph [0045] "a file from a File Transfer Protocol ("FTP") server, a shared file on

another user's computer, a file from another process running on the same computer").

Per claim 15:

15. The system of claim 10 further comprising an agent in each of said user terminals for data

communication between said first client-server structure and said second client-server structure.

The limitations in the claims are similar to those in claim 4, and rejected under the same rational

set forth in connection with the rejection of claim 4.

Per claim 16:

The rejection of claim 10 is incorporated and further, Vincent discloses:

16. The system of claim 10 further comprising a local area network over which said system

server communicates with each of said user terminals (paragraph [0040] "FIG. 1 include a local

area network (LAN) 51 and a wide area network (WAN)").

Per claim 17:

Vincent discloses:

17. A software upgrade control system, comprising:

a system server that provides updated software versions (FIG. 6, element 160, 162, 164);

a plurality of user terminals grouped to form a sub-network (FIG. 2);

each of said user terminals having a first client-server structure and a second client-server

structure, and an agent, wherein said first client-server structure requests from said system server

a list of updated software versions that are absent (paragraph [0061] "User computer... receives

data file… opens the data file and accesses the required component list included… comparing the component information and the version information with information identifying the software components and versions thereof currently installed at user computer"), broadcasts in said sub-network an inquiry (paragraph [0063] "the network location of the update table may be found in other ways, such as through broadcasting or advertising across computer network") as to whether any other user terminals have any updated software versions absent therein, receives an inquiry broadcasted by said other user terminals (paragraph [0061] "User computer… receives data file… opens the data file and accesses the required component list included… comparing the component information and the version information with information identifying the software components and versions thereof currently installed at user computer");

said second client-server structure transmits one of said updated software versions to one of said other user terminals (paragraph [0064] "The user computer 110 then requests the required versions (i.e., absent) of software components B and E from software server 160 and the required version (i.e., absent) of software component D from the computer 164" i.e., the required versions are transmitted to user terminals), receives an absent updated software version from one of said other user terminals having said absent updated software version, receive an absent updated software version from said system server if no other user terminals has said absent updated software version (paragraph [0063] "Once user computer 110 determines which software components and versions thereof are to be obtained (i.e., absent updated software versions)… download the required software components"); and

communicates with said system severs in a file transfer protocol (paragraph [0045] "a file from a File Transfer Protocol ("FTP") server, a shared file on another user's computer, a file from another process running on the same computer"); and

said agent handles data communication between said first and second client-server structures

(Vincent discloses updating software in networking environment, a communication agent must

be present in Vincent system to perform the software update remotely. Therefore, a

communication agent would be inherent to Vincent system).

Vincent does not explicitly disclose communicate with said system server in an *interversion*

protocol.

However, Zhang discloses in a computer system communicate with said system server in

an *interversion protocol* (col. 5, lines 1-3 "the conversion rules relate to differences in the format of the

messages, or the inter-server communication protocol, provided for in each version of the software").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of communicate with said system server in an

interversion protocol as taught by Zhang. The modification would be obvious because of one of

ordinary skill in the art would be motivated to communicate with said system server in an

interversion protocol to provide to reduce the downtime during the update procedure as

suggested by Zhang (col. 2, lines 28-37).

Claims 21 are the system claim corresponding to system claims 13 and rejected under the same

rational set forth in connection with the rejection of claims 13, above, as noted above.

Per claim 22:

The rejection of claim 17 is incorporated and further, Vincent discloses:

a first storage for storing said updated software versions (FIG. 6, element 160, 162, 164).

Per claim 23:

The rejection of claim 22 is incorporated and further, Vincent discloses:

a second storage for storing said updated software versions that are unzipped (paragraph [0061]

"comparing the component information and the version information with information identifying the

software components and versions thereof currently installed at user computer"). Note that Vincent

compares the installed versions with the updated version in order to upgrade the software. In

order for to compare the installed software versions the upgrade version must be unzipped.

Per claim 24:

The rejection of claim 1 is incorporated and further, Vincent discloses:

24. The method of claim 1, wherein said absent updated software versions determined in step(d)

to have not been included in said plurality of unselected user terminals are received only after

receiving from said plurality of unselected user terminals those of said absent updated software

versions determined in step (d) to have been included in said plurality of unselected user

terminals (paragraph [0051] "The components that need to be updated may be located at one computer,

typically a server, on the computer network, or they may be located at various and different computers

(i.e., computers are not selected)").

8.   Claims 6 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in

view of US Publication No. 2003/0074403 to Harrow et al. (hereinafter, Harrow).

Per claim 6:

The rejection of claim 1 is incorporated and further, Vincent does not explicitly disclose wherein

said selected user terminal is upgraded within a predetermined time interval.

However, Harrow discloses in an analogous computer system wherein said selected user

terminal is upgraded within a predetermined time interval (paragraph [0036] "The directory server

402 may also have an expiration timeout feature. That is, after say 10 minutes, the directory server 402

may direct a client to retrieve a copy of the file from the web server 422").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of wherein said selected user terminal is

upgraded within a predetermined time interval as taught by Harrow into the method of updating

software to user terminals as taught by Vincent. The modification would be obvious because of

one of ordinary skill in the art would be motivated to selected user terminal is upgraded within a

predetermined time interval to provide the current updates to client as suggested by Harrow

(paragraph [0036]).

Per claim 25:

The rejection of claim 10 is incorporated and further, Vincent does not explicitly disclose,

wherein said second user terminal transmits said updated software versions to said first user

terminal using a P2P protocol.

However, Harrow discloses in an analogous computer system wherein said second user terminal transmits said updated software versions to said first user terminal using a P2P protocol (paragraph [0026] "The communication 314 between Client A 304-A and Client D 304-D is a peer-to-peer communication").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein said second user terminal transmits said updated software versions to said first user terminal using a P2P protocol as taught by Harrow into the method of updating software to user terminals as taught by Vincent. The modification would be obvious because of one of ordinary skill in the art would be motivated to use P2P protocol in upgrading software version of user terminal to provide a peer-to-peer software upgrading to lower the network traffic as suggested by Harrow (paragraph [0004]).

9.   Claims 12 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent in view of US Patent No. 7,228,539 to Zhang et al. (hereinafter, Zhang).

Per claim 12:

The rejection of claim 10 is incorporated and further, Vincent does not explicitly disclose system server supports an interversion protocol.

However, Zhang discloses in a computer system server support an interversion protocol (col. 5, lines 1-3 "the conversion rules relate to differences in the format of the messages, or the inter-server communication protocol, provided for in each version of the software").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of supporting an interversion protocol as

taught by Zhang. The modification would be obvious because of one of ordinary skill in the art

would be motivated to support an interversion protocol to provide to reduce the downtime during

the update procedure as suggested by Zhang (col. 2, lines 28-37).

Claim 20 are the system claim corresponding to system claims 12 and rejected under the same

rational set forth in connection with the rejection of claims 12, above, as noted above.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Satish Rampuria whose telephone number is (571) 272-3732.

The examiner can normally be reached on 8:30 am to 5:00 pm Monday to Friday. Any inquiry of

a general nature or relating to the status of this application should be directed to the TC 2100

Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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